

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL
DATA WHICH MIGHT OTHERWISE BE LOST AS THE
RESULT OF THE CONSTRUCTION OF CERTAIN DAMS

AUGUST 6, 1958.—Ordered to be printed

Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 1109]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1109) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Strike the last period in section 3 and add the following: “; and (3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation holding a license issued by an agency of the United States for the construction of a dam or other type of water or power control project.”

At page 2, line 1, after the word “flooding”, insert “, the building of access roads, the erection of workmen’s communities, the relocation of railroads and highways, and other alterations of the terrain”.

At page 2, line 10, after the word “flooded”, insert “and otherwise changed”.

At page 2, line 14, strike the words “through the National Park Service,”.

PURPOSE OF S. 1109

The act of August 21, 1935 (16 U. S. C. 461-467), the so-called Historic Sites Act, provides a program to preserve historical and archeological data threatened by construction of dams. Such a program will be advanced by the enactment of S. 1109 which is more explicit than is the Historic Sites Act with respect to historical and archeological salvage.

The bill provides essentially for coordination of archeological investigations and salvage operations with advance planning and construction of dams either by Federal agencies or under permits granted by Federal agencies. As the Department of the Interior has pointed out in its report, "S. 1109 emphasizes the point that the necessary archeological and historical salvage should be performed in advance of such construction activities * * *".

AMENDMENTS

The amendments were adopted for the purpose referred to in the agency reports of the Department of the Interior, the Department of the Army, and the Bureau of the Budget, all of which are set forth below.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 13, 1953.

Hon. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

DEAR SENATOR MURRAY: This is in reference to the request of your committee for the views of this Department on S. 1109, a bill to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

We recommend enactment of S. 1109, if amended as suggested herein.

The bill has as its object the preservation of historical and archeological data which might otherwise be lost as a result of flooding caused by the construction of a dam by any agency of the United States or by any private person or corporation holding a license issued by any such agency. It is assumed that this language would be sufficient to include State and municipal licensees. It provides for coordination between agencies which is a desirable feature.

With the increased industrialization and greater Federal activity in construction of large-scale multipurpose water-control projects, the problem of salvaging and preserving archeological and historical antiquities of national significance in advance of destruction becomes ever more critical. S. 1109 emphasizes the point that the necessary archeological and historical salvage should be performed in advance of such construction activities, and it reflects a growing public awareness of their increasing loss of this national heritage through such Federal and private activities. The losses in two reservoirs can be cited as classic examples.

Certain amendments to the measure would appear to be in order. There should be no doubt regarding the authority of the Secretary to accept and use funds made available as a requirement of a Federal license. This may be done by amending section 3 by adding at the end thereof:

"Accept and utilize funds made available for salvage archeological purposes by any private person or corporation holding a license issued by an agency of the United States for the construction of a dam or other type of water or power control project."

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

DEPARTMENT OF THE ARMY,
Washington, D. C., February 28, 1958.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 1109, 85th Congress, a bill to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

The Department of the Army has considered the above-mentioned bill. The bill provides essentially for coordination of archeological investigations and salvage operations with advance planning and construction of dams by Federal agencies or under permits granted by Federal agencies. The bill requires written notice to the Secretary of the Interior of the site of the dam and reservoir in advance of its construction and provides for archeological investigations and surveys by the National Park Service in the project area, coordination of such work with the functions of the construction agency, performance of archeological removal and salvage operations, cooperation with other agencies and individuals in the process, procurement of services of others, and appropriation of Federal funds for the purposes stated.

A program embodying all of the purposes and objectives of this bill relating to dams constructed by the Corps of Engineers has been in effect for many years in accordance with the provisions of the Historic Sites Act of August 12, 1935 (49 Stat. 666). Archeological investigations and preservation of historic sites are primary functions of the National Park Service. The Historic Sites Act authorizes the Secretary of the Interior, through the National Park Service, and with the assistance of any Federal, State, or municipal agency, or any educational or scientific institution or patriotic association, or individual, to preserve for public use historic and archeological sites and objects of national significance. The act also authorizes the appropriation of funds to the National Park Service for that purpose.

The Corps of Engineers supplies interested agencies with project planning and construction information as a basis for the planning of their programs, and cooperates to the fullest extent in carrying out such work, to assure that lands acquired by the Corps of Engineers for its project works are made available and the longest practicable period of time is provided for excavation of archeological remains and removal of historic objects prior to inundation of reservoir areas, and to prevent interference therewith by project construction activities wherever possible.

It is believed that the basic purposes of this proposed legislation are already being accomplished under existing law insofar as the responsibilities of the Department of the Army are concerned.

The Department of the Army has no information as to the fiscal effect of this bill. It is assumed that provision for financing work authorized by the bill would be through appropriations for the National Park Service of the Department of the Interior.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., February 25, 1958.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of this Bureau on S. 1109, a bill to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

A program to preserve historical and archeological data threatened by construction of dams has been in operation for a number of years under the provisions of the Historic Sites Act of August 12, 1935. While there would seem to be no need for additional authorization for this program, S. 1109 is more explicit than is the Historic Sites Act with respect to historical and archeological salvage.

Section 2 (b) of S. 1109 specifies that the Secretary is to act through the National Park Service in causing surveys to be made of areas proposed for flooding. This is in conflict with Reorganization Plan No. 3 of 1950 which transferred functions of the agencies of the Department to the Secretary, and vested in him the power to assign responsibility for performance of such functions among the agencies of the Department. It is suggested, therefore, that the words "through the National Park Service" on line 14 of page 2 of the bill be deleted.

The Smithsonian Institution was requested by this Bureau to review the provisions of S. 1109 and report its views thereon. The Institution noted that the bill seemed to limit preservation of historical and archeological data to that which might be destroyed as a result of flooding, and exclude that which might be destroyed by various activities incident to the construction of a dam. Such activities can cause as much or more destruction than the actual flooding. The following amendments suggested by the Smithsonian Institution would correct this deficiency:

Section 1, page 2, line 1: "the result of flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam".

Section 2 (a), page 2, line 10: "approximate area to be flooded and otherwise changed if such construction is undertaken."

Section 2 (b), page 2, line 16: "flooded *and otherwise changed by construction* to ascertain whether such area contains historical".

Although historical and archeological salvage in connection with the construction of dams is now being carried out under existing law, this Bureau would have no objection to enactment of more definitive provisions as contained in S. 1109 if amended as indicated above.

Sincerely yours,

ROBERT E. MERRIAM, *Assistant Director.*

